



Michael L. Thurmond
Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030



Wednesday, September 9, 2020 at 1:00 PM
Planning Department Staff Analysis

N2 Case No: A-20-1244199 Parcel ID(s): 18-046-03-285

Commission District: 04 Super District 06

Applicant: Kyle Williams
309 Sycamore Street
Decatur, GA 30030

Owner: Stoney River Construction S.E., Inc.

Project Name: 3172 Chapel Street

Location: The property is located on the north side of Chapel Street, approximately 225 feet east of 3rd avenue, at 3172 Chapel Street Scottdale, GA 30079.

REQUEST: Variances from the DeKalb County Zoning Ordinance Sections 27-3.36. 11 and 3.36.12 to waive all the landscape and sidewalk requirements, relating to the Scottdale overlay district

Staff Recommendation: **“Approval” as shown on the submitted site plan received July 6, 2020.**

STAFF FINDINGS:

Site Location: The property is located on the north side of Chapel Street, approximately 225 feet east of 3rd avenue, at 3172 Chapel Street Scottdale, GA 30079. The site is zoned R-75 and is surrounded by R-75 zoned properties to the north, east, south and west. The subject lot also lies within the Tier II of the Scottdale Overlay district. The subject property currently fronts Chapel Street, which is classified as a local street.

Variance request: Variances from the DeKalb County Zoning Ordinance Sections 27-3.36. 11 and 3.36.12 to waive all the landscape and sidewalk requirements, relating to the Scottdale overlay district

Variance Analysis: Based on the submitted materials, the applicant is requesting to waive all the landscape and sidewalk requirements as required per the Scottdale overlay district. The Scottdale overlay requires, where sidewalks are not present, placement of sidewalks to be located a minimum of four (4) feet from the curb along with a five (5) foot wide landscape strip.

Based on the submitted site plan, there is less than two feet of right-of-way between the curb of Chapel street and the front property line. The existing right-of-way along Chapel Street is inadequate to conform to the sidewalk and landscape requirements per the Scottdale Overlay district.

Therefore, due to the inadequacy of the existing right-of-way, it appears that the requested variance meets the criteria for approval based on the following criteria:

1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district:

Based on the submitted site plan, by reason of the inadequacy of the existing right-of-way, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:

Due to the existing site constraints, it appears that the requested variance does not go beyond that minimum necessary to afford relief. Therefore, granting this variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:

Granting this variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

Based on the submitted materials, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Based on the submitted site plan, by reason of the inadequacy of the existing right-of-way, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” as shown on the submitted site plan received on July 6, 2020.

STAFF RECOMMENDATION: “APPROVAL” as shown on the submitted site plan received on July 6, 2020.